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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,576	06/17/2005	Martin Bottcher	2002P18291	4513
24131 7590 06/27/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
BARRERA, RAMON M				
ART UNIT		PAPER NUMBER		
2832				
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06/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,576

Applicant(s)

BOTTCHER ET AL.

Examiner

RAMON M. BARRERA

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
5) ☒ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 and 8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1448 or PTO-600) Paper No(s)/Mail Date 3/10/08
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I in the reply filed on 10/2/06 is acknowledged. The traversal is on the ground(s) that because all claims have been previously examined on the merits no undue burden is created by proceeding with examination of all claims. This is not found persuasive because absent an election of species a search of amended claims drawn to all embodiments entails a greater burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki (US6373675), cited on applicant's IDS.

Yamazaki in figs. 3-4, 17, and 19 discloses an electromagnetic drive having a magnet body (5,7,8,42,43,47,48), moving part (4,10, 45, 50), permanent magnet (7,42,47), conductor coil (10,45b,50b), soft magnetic latching body (4,45a,50a), and spring (11). The at least one conductor (10,45b,50b) is positioned at least partially in the air gap, i.e., the region between portions of the magnet body .

5. Claims 1, 3-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiba (EP1124244A2), cited on applicant's IDS.

Toshiba in figs. 1 and 10 discloses an electromagnetic drive having a magnet body (5,81,83,85), moving part (4,82,84,88), permanent magnet (5,85), conductor coil (4,86), soft magnetic latching body (82,84), and spring (16,89). The at least one conductor (4,86) is positioned at least partially in the air gap, i.e., the region between portions of the magnet body.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiba, cited above.

Toshiba discloses a latching body 82 connected to an (inner) end of a coil (4) but does not disclose the coil having a former. It was commonly known to those of ordinary skill in the art that a coil former may be used for the purpose of providing structural

support and electrical insulation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ a coil former in Toshiba for the purpose recognized in the art of Toshiba, as discussed above.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki, et al., cited above.

Yamazaki discloses a latching body 4 connected to an end of a coil 10 but does not disclose the coil having a former. It was commonly known to those of ordinary skill in the art that a coil former may be used for the purpose of providing structural support and electrical insulation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ a coil former in Yamazaki for the purpose recognized in the art of Yamazaki, as discussed above.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON M. BARRERA whose telephone number is (571)272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ramon M Barrera/
Primary Examiner, Art Unit 2832

rmb